



OFFICE OF THE ATTORNEY GENERAL

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CITIES AND TOWNS--PLATS--SUBDIVISIONS--FILING OF--NOTICE
REQUIREMENTS

The notice requirements of RCW 58.17.080 relating to the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town do apply to a proposed subdivision which is located totally within a certain city but is also located within one mile of the municipal boundaries of some one or more other cities or towns.

February 17, 1971

Honorable Richard H. Slavin
Director, Planning & Community Affairs Agency
1306 Capitol Way
Olympia, Washington 98501

Cite as:
AGO 1971 No. 9

Dear Sir:

By letter previously acknowledged you have asked for our opinion on a question which we paraphrase as follows:

Do the notice requirements of RCW 58.17.080, relating to the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, apply to a proposed subdivision which is located totally within a certain city but is also located within one mile of the municipal boundaries of some one or more other cities or towns?

We answer this question in the affirmative for the reasons set forth in our analysis.

ANALYSIS

RCW 58.17.080 codifies the provisions of § 8, chapter 271, Laws of 1969, Ex. Sess., commonly referred to as the platting, subdivision and dedication of land act of 1969. This particular section of the act provides as follows:

"Notice of the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities. Any notice required by this act shall include the hour and location of the hearing and a description of the property to be platted. Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to appropriate county officials. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway shall be given to the state department of highways."

Your question assumes that a certain proposed subdivision is located entirely within the limits of city "A", but at the same time is located within one mile in distance from the city limits of one or more other nearby cities.

Query: Do the notice requirements of the statute apply in such a case?

After reviewing the entire act in which the statute in question is contained, we conclude that this question must be answered in the affirmative. In essence, we base this conclusion on the probable legislative intent reflected in several related sections within the act; moreover, we are of the opinion that where, as here, notice requirements are apparently intended to promote coordination among interested governmental units, they should be construed literally - and it is, of course, obvious that a literal reading of RCW 58-.17.080, supra, dictates an affirmative answer to your question.

Other related sections of the act to be noted are §§ 7, 9, 10, 11 and 18 (codified, respectively, as RCW 58.17.070, .090, .100, .110, and .180). These sections provide, either in full or in material part (as indicated) as follows:

Section 7 (RCW 58.17.070):

"A preliminary plat of proposed subdivisions

and dedications of land shall be submitted for approval to the legislative body of the city, town, or county within which the plat is situated."

Section 9 (RCW 58.17.090):

"Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivision shall set a date for a public hearing. Notice of such hearing shall be given by publication of at least one notice not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing may be given by mail, posting on the property or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public."

Section 10 (RCW 58.17.100):

"If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all proposed subdivisions and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

". . ."

Section 11 (RCW 58.17.110):

"The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. . . . If it finds that the plat makes appropriate provisions for the public health, safety and general welfare and for such drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. . . ."

Section 18 (RCW 58.17.180):

"Any decision approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. The action may be brought by any property owner in the city, town or county having jurisdiction, who deems himself aggrieved thereby: . . ."

The over-all purpose of these several sections, as we view it, is to establish an orderly procedure for the processing of all proposed plats, and, secondarily, to insure that those persons or bodies, including not only property owners but certain nearby governmental entities which may have a special interest in the approval or disapproval of the proposed subdivision, shall be given appropriate notice of the proceedings and an opportunity to participate therein. Under § 8 (RCW 58.17.080), supra, a nearby city or town has been characterized by the legislature as being one of these interested legal entities if its boundaries are located within one mile of the territory to be encompassed in the subdivision. No exception to the notice requirement manifesting this determination has been expressed in the case of those proposed subdivisions which are located within the territory of some other city or town.

In effect, this aspect of the act appears to constitute a legislative recognition that the practical consequences of

land development are not limited to the territorial boundaries of the particular political subdivision within which the development is taking place. Instead, as is expressed in § 1 of the act (RCW 58.17.010), its purpose is to regulate the subdivision of land and promote the public health, safety and general welfare ". . . in accordance with standards established by the state to prevent the overcrowding of land; . . ." Accomplishment of this objective may well, from time to time, require coordinated efforts between adjacent or nearby municipalities.

Therefore, in summary, it is our opinion that the notice requirements of RCW 58.17.080, supra, relating to the filing of a preliminary plat of a proposed subdivision adjacent to or within one mile of the municipal boundaries of a city or town, do apply to a proposed subdivision which is located totally within a certain city but is also located within one mile of the municipal boundaries of some one or more other cities or towns.

We trust that the foregoing will be of assistance to you.

Very truly yours,

SLADE GORTON
Attorney General



Richard F. Lancefield

RICHARD F. LANCEFIELD
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